

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

Gordon Simmons and  
Siegelinde Simmons

v.  
Service Credit Union

Case No. 17-cv-159-PB

O R D E R

Gordon Simmons sued his former employer, Service Credit Union (SCU), in state court for breach of contract and a declaratory judgment.<sup>1</sup> SCU removed the case to this court, contending that Simmons' claims were completely preempted by the Employee Retirement Income Security Act of 1974 (ERISA). Simmons filed a motion to remand, which I denied in an earlier order. Doc. 22.

Simmons then filed an amended complaint, in which he alleged three claims under ERISA, but also restated his three state law claims from his original complaint. Doc. 24. SCU now moves to dismiss these three state law claims, claiming that they are preempted by ERISA. For the reasons stated in my previous order, Doc. 22, I agree that the state law claims are

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<sup>1</sup> Siegelinde Simmons, Gordon's wife when he entered into his employment contract, has an identical claim.

preempted by ERISA. Therefore I dismiss the following counts of the amended complaint: count four, "Declaratory Judgment"; count five, "Breach of Contract"; and count six, "Breach of Contract."

SO ORDERED.

/s/Paul Barbadoro

Paul Barbadoro

United States District Judge

June 11, 2018

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